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Certificate of Transmittal (37 CFR 1.10)

MAR 21 2008

Attn: Office of PCT Legal Administration

PCT LEGAL  
ADMINISTRATION

I hereby certify that the application/correspondence attached hereto is being deposited herewith to the United States Postal Service via first class mail under 37 CFR 1.10 on the date indicated below and is addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450.

3-19-08

Date



Amber Collins

1. Statement Verifying Inventors Declaration (2 pages)
2. Fee Transmittal (1 page)
3. Copy of USPTO's Decision on Petition (3 pages)
4. Copy of Inventors Declaration (2 pages)
5. Return postcard.

THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Appl. No.:** 10/560,982  
**Applicants:** Malherbe, et al.  
**Filing Date:** December 15, 2005  
**Examiner:** Not Assigned  
**Art Unit:** Not Assigned  
**Title:** PROCESS

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## PCT LEGAL ADMINISTRATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## STATEMENT VERIFYING INVENTORS DECLARATION

Dear Sirs:

In response to the Decision on Petition Under 37 CFR 1.181 dated March 12, 2008, I, Robert Holthus, hereby certify that the Inventors Declaration document submitted March 6, 2007 was the only true "original" copy. A "true" copy of the original Inventors Declaration was placed in our file before sending the original to the USPTO in response the Missing Parts Requirement mailed January 23, 2007. A "true" copy of the Inventors Declaration was then resubmitted along with Applicants Petition to Revive of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) on February 19, 2008. The copy is a true, exact, complete, and unaltered photocopy of the original document.

A "true" copy is enclosed herewith for filing along with a copy of the USPTO's  
Decision on Petition Under 37 CFR 1.181.

Huntsman Corporation  
10003 Woodloch Forest Drive  
The Woodlands, Texas 77381  
(281) 719-4553

Respectfully Submitted,

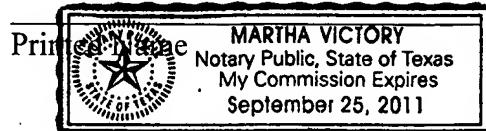
Robert Holthus  
Robert Holthus  
Reg. No. 50,347  
Attorney for Applicants

Date: 3/19/08

State of TEXAS      §  
                          §  
County of ~~HARRIS~~    §  
                          Montgomery

Subscribed and sworn to by Robert Holthus before me on the 19<sup>th</sup> day of  
March, 2008.

Martha Victory  
Signature



My Commissioner Expires:

9/25/2011

NOTARY PUBLIC

THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Appl. No.:** 10/560,982

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**Applicants:** Malherbe, et al.

**Filing Date:** December 15, 2005

**Examiner:** Not Assigned

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**Title:** PROCESS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FEE TRANSMITTAL**

Dear Sir:

Submitted herewith is a Response to the USPTO's Decision on Petition Under 37 CFR 1.181 mailed March 12, 2008 based on Applicants Petition to Revive Unintentional Abandonment of a Patent Application under 37 CFR 1.137(b) filed on February 19, 2008.

The Commissioner of Patents is hereby authorized to deduct any fee due in connection with the filing of this document from Huntsman Corporation Deposit Account No. 08-3442.

Respectfully Submitted,

Robert Holthus

Robert Holthus  
Reg. No. 50,347  
Attorney for Applicants

Huntsman Corporation  
10003 Woodloch Forest Drive  
The Woodlands, Texas 77381  
(281) 719-4553

Date: 3/19/08



12 MAR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Huntsman Advanced Materials Americas, Inc.  
Legal Department  
10003 Woodloch Forest Drive  
The Woodlands, Texas 77380

MAP 14 2008

In re Application of  
MALHERBE et al.  
U.S. Application No. 10/560,982  
PCT No.: PCT/EP04/51275  
Int. Filing Date: 28 June 2004  
Priority Date: 30 June 2003  
Attorney Docket No.: HAM 842079  
For: PROCESS

DECISION ON  
PETITION  
UNDER  
37 CFR 1.181

This decision is issued in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 19 February 2008, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the Notification of Abandonment mailed by the Office on 29 November 2007. No petition fee is required.

**BACKGROUND**

On 28 June 2004, applicants filed international application no. PCT/EP04/51275 which claimed a priority date of 30 June 2003 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 January 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 December 2005.

On 15 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*: the basic national fee; first preliminary amendment; and an application data sheet.

On 23 January 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 29 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that

the application was abandoned for failure to file a response to the Notification of Missing Requirements mailed 23 January 2007 within the time period set therein.

On 19 February 2008, applicants filed the present petition. Applicants state in the present petition that the response to the Notification of Missing Requirements was previously submitted on 02 March 2007, therefore, petitioner statements will be treated as a petition to withdraw holding of abandonment under 37 CFR 1.181.

### DISCUSSION

Applicants state in their present petition that a declaration and power of attorney was received at the United States Patent and Trademark Office on 06 March 2007. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"If a receipt of any paper filed in the Patent and Trademark Office is desired, it may be obtained by enclosing with the paper a self-addressed postcard identifying the paper. The Patent and Trademark Office will stamp the receipt date on the card and place it in the outgoing mail.

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by application serial number and attorney docket number. The receipt itemizes, *inter alia*, an Executed Declaration. The receipt is stamped "PCT/PTO 06 March 2007" across its face. However, a review of the application file reveals that the declaration filed on 06 March 2007 is not located therein and applicant has not submitted a true copy of the declaration with the present petition. At this time, it is not appropriate for the Office to withdraw the Notification of Abandonment (Form PCT/DO/EO/909) mailed 29 November 2007 without a true copy of the declaration filed on 06 March 2007.

### CONCLUSION

For the reasons discussed above, applicants' petition is **DISMISSED** without prejudice.

Applicants are hereby given a **TWO (2) MONTH** time period from the mail date of this Decision on Petition under 37 CFR 1.181 in order to file a proper response. A proper response must include a true copy of an acceptable declaration alleged to have been filed on 06 March 2007 together with an appropriate statement verifying that the declaration is a true copy.

Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Attorney for

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459